
SUBSTITUTE SENATE BILL 5522

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Fairley, Weinstein and Kline)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to the annexation by a city, code city, or town of
2 a portion of a rural county library district; and adding new sections
3 to chapter 27.12 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) Whenever a portion of the territory of
6 a district is included within the corporate boundaries of a city, code
7 city, or town as a result of the city, code city, or town annexing the
8 area, the city, code city, or town legislative authority may adopt a
9 resolution or ordinance to assume jurisdiction over the annexed portion
10 of the district.

11 (2) Upon the assumption, all real and personal property, rights,
12 assets, and taxes levied but not collected for the annexed portion of
13 the district for other than indebtedness of the district residing in,
14 or representing the portion of, the annexed area shall become the
15 property of the city, code city, or town subject to all financial,
16 statutory, or contractual obligations of the district for the security
17 or performance of which the property may have been pledged. The city,
18 code city, or town, in addition to its other powers, shall have the
19 power to manage, control, maintain, and operate any property or

1 facilities and equipment residing in the annexed area subject, however,
2 to any outstanding indebtedness, bonded or otherwise, of the district
3 payable from taxes, assessments, or revenues of any kind or nature and
4 to any other contractual obligations relating to the annexed portion of
5 the district. An assumption shall not be deemed to impair the
6 obligation of any indebtedness or other contractual obligation.

7 (3) For purposes of this section, "district" means rural county
8 library district.

9 (4) The provisions of this section are only applicable to counties
10 with a population of one million five hundred thousand persons or more.

11 NEW SECTION. **Sec. 2.** (1) Notwithstanding any provision of this
12 chapter to the contrary, a city, code city, or town that annexes a
13 territory within the boundaries of a rural county library district and
14 the rural county library district, through their legislative
15 authorities, may authorize a contract with respect to the rights,
16 powers, duties, and obligations of such city, code city, or town, and
17 district with regard to the use and ownership of property, the
18 provision of services, the maintenance and operation of facilities,
19 allocation of cost, financing, and construction of new facilities,
20 application and use of assets, disposition of liabilities and debts,
21 the performance of contractual obligations, and any other matters
22 arising out of the annexation of the portion of the district within the
23 annexing city, code city, or town. The contract may provide for the
24 furnishing of services by any party thereto and the use of city, code
25 city, town, or district facilities or real estate for such purpose, and
26 may also provide for the time during which such district may continue
27 to exercise any rights, privileges, powers, and functions provided by
28 law for such district as if the district or portions thereof were not
29 included within the city, code city, or town including, but not limited
30 to, the right to adopt rules and regulations; to levy and collect
31 special assessments, rates, and charges; to adopt and carry out the
32 provisions of a comprehensive plan and amendments thereto; and to issue
33 general obligation bonds or revenue bonds in the manner provided by
34 law.

35 (2) The provisions of this section are only applicable to counties
36 with a population of one million five hundred thousand persons or more.

1 NEW SECTION. **Sec. 3.** (1) Whenever a city annexes a territory that
2 is within the boundaries of a rural county library district, any
3 buildings and equipment of the district that are located within the
4 annexed territory shall be transferred to the city, code city, or town
5 upon annexation.

6 (2) Any planned capital improvements to existing facilities or
7 planned construction of new facilities within the annexed territory
8 shall either be completed by the rural county library district using
9 original capital bond revenues, with timing and funding subject to
10 interlocal agreement between the district and annexing city, code city,
11 or town, or alternatively, the district shall transfer that part of the
12 bond proceeds to be used for the capital project, as described on the
13 ballot proposition authorizing the bond issue, to the city, code city,
14 or town annexing the territory within which the capital improvements or
15 new construction were originally planned.

16 (3) The provisions of this section are only applicable to counties
17 with a population of one million five hundred thousand persons or more.

18 NEW SECTION. **Sec. 4.** (1) When a city, code city, or town annexes
19 a portion of the territory of a rural county library district, an
20 appraisal must be conducted of the value of the library materials and
21 collections. The appraisal standards shall be agreed upon by the city,
22 code city, or town and the rural county library district before the
23 appraisal takes place. The appraisal shall be used to identify the
24 proportionate share of each branch's library collection to the annexing
25 city, code city, or town. The rural county library district shall pay
26 to the city, code city, or town an amount representing the city's, code
27 city's, or town's proportionate share of the value of the rural county
28 library district's materials and collections. The city, code city, or
29 town may use the money received from the rural county library district
30 only for the purpose of purchasing library assets.

31 (2) The provisions of this section are only applicable to counties
32 with a population of one million five hundred thousand persons or more.

33 NEW SECTION. **Sec. 5.** (1) A rural county library district that has
34 a portion of its assets, facilities, or indebtedness assumed by a city,
35 code city, or town from annexation may subject the action to review
36 under RCW 36.93.100.

1 (2) The provisions of this section are only applicable to counties
2 with a population of one million five hundred thousand persons or more.

3 NEW SECTION. **Sec. 6.** (1) If any portion of a rural county library
4 district is annexed into a city, code city, or town, any employee of
5 the rural county library district who (a) was at the time of such
6 annexation employed exclusively or principally in performing the
7 powers, duties, and functions that are to be performed by the city,
8 code city, or town library department, (b) will, as a direct
9 consequence of annexation, be separated from the employ of the rural
10 county library district, and (c) can perform the duties and meet the
11 minimum requirements of the position to be filled, may transfer
12 employment to the civil service system of the city, code city, or town
13 library department as provided for in this section.

14 (2) An eligible employee may transfer into the civil service system
15 of the city, code city, or town library department by filing a written
16 request with the city, code city, or town civil service commission and
17 by giving written notice thereof to the board of commissioners of the
18 rural county library district. Upon receipt of such request by the
19 civil service commission, the transfer of employment shall be made.
20 The employee so transferring shall (a) be on probation for the same
21 period as are new employees of the city, code city, or town library
22 department in the position filled, but the transferring employee may
23 only be terminated during the probationary period for failure to
24 adequately perform assigned duties, not meeting the minimum
25 qualifications of the position, or behavior that would otherwise be
26 subject to disciplinary action; (b) be eligible for promotion no later
27 than after completion of the probationary period; (c) receive a salary
28 at least equal to that of other new employees of the city, code city,
29 or town library department in the position filled; and (d) in all other
30 matters, such as retirement, sick leave, and vacation, have, within the
31 city, code city, or town civil service system, all rights, benefits,
32 and privileges to which he or she would have been entitled as a member
33 of the city, code city, or town library department from the beginning
34 of employment with the rural county library district.

35 (3) As many of the transferring employees shall be placed upon the
36 payroll of the city, code city, or town library department as the
37 library department determines are needed to provide services. These

1 needed employees shall be taken in order of seniority and the remaining
2 employees who transfer as provided in this section shall head the list
3 for employment in the civil service system in order of their seniority,
4 so as to be the first to be reemployed in the city, code city, or town
5 library department when appropriate positions become available:
6 PROVIDED, That employees who are not immediately hired by the city,
7 code city, or town shall be placed on a reemployment list for a period
8 not to exceed thirty-six months unless a longer period is authorized by
9 an agreement reached between the rural county library district and the
10 annexing city, code city, or town.

11 (4) If any portion of a rural county library district is annexed
12 into a city, code city, or town, and as a result any employee is laid
13 off who is eligible to transfer to the city, code city, or town library
14 department under this section, the rural county library district shall
15 notify the employee of the right to transfer and the employee shall
16 have ninety days to transfer employment to the city, code city, or town
17 library department.

18 (5) For purposes of this section, "employee" means an individual
19 whose employment with a rural county library district has been
20 terminated because a portion of the rural county library district was
21 annexed by a city, code city, or town.

22 (6) The provisions of this section are only applicable to counties
23 with a population of one million five hundred thousand persons or more.

24 NEW SECTION. **Sec. 7.** (1) An agreement on the distribution of
25 assets from the rural county library district to the city, code city,
26 or town shall be entered into by the city, code city, or town and the
27 rural county library district within ninety days of the effective date
28 of the annexation. A distribution shall be based upon the extent of
29 the increased library service responsibilities with a corresponding
30 reduction in library service responsibilities by the rural county
31 library district, and shall consider the impact of any debt obligation
32 that may exist on the property that is so annexed. If an agreement is
33 not entered into after the ninety-day period, arbitration shall proceed
34 under subsection (2) of this section concerning the distribution of
35 assets unless both parties have agreed to an extension of this period.

36 (2) Arbitration shall proceed under this subsection over the issue
37 of whether a significant increase in the library service

1 responsibilities will be imposed upon the city, code city, or town as
2 a result of the annexation with a corresponding reduction in library
3 service responsibilities by the rural county library district, or over
4 the distribution of assets from the rural county library district to
5 the city, code city, or town if such a significant increase in library
6 service responsibilities will be imposed. A board of arbitrators shall
7 be established for an arbitration required under this section. The
8 board of arbitrators shall consist of three persons, one of whom is
9 appointed by the city, code city, or town within sixty days of the date
10 when arbitration is required, one of whom is appointed by the rural
11 county library district within sixty days of the date when arbitration
12 is required, and one of whom is appointed by agreement of the other two
13 arbitrators within thirty days of the appointment of the last of these
14 other two arbitrators who is so appointed. If the two are unable to
15 agree on the appointment of the third arbitrator within the thirty-day
16 period, then the third arbitrator shall be appointed by a judge in the
17 superior court of the county within which all or the greatest portion
18 of the area that was so annexed lies. The determination by the board
19 of arbitrators shall be binding on both the city, code city, or town
20 and the rural county library district.

21 (3) The provisions of this section are only applicable to counties
22 with a population of one million five hundred thousand persons or more.

23 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act are each
24 added to chapter 27.12 RCW.

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